

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEVIN POWELL,	:	Civil No. 1:12-CV-02455
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
PENNSYLVANIA DEPARTMENT OF	:	
CORRECTIONS,	:	
	:	
Defendant.	:	Judge Jennifer P. Wilson

ORDER

AND NOW, on this 21st day of April, 2020, upon consideration of the motion for summary judgment by Defendant, Doc. 132, the report and recommendation of Chief United States Magistrate Judge Susan E. Schwab, Doc. 153, Plaintiff's objections, Defendant's opposition thereto, and Plaintiff's reply, Docs. 154–156, and for the reasons set forth in the accompanying memorandum of law, **IT IS ORDERED** that:

- 1) The court **ADOPTS** the report and recommendation in full. (Doc. 153.)
- 2) Defendant's motion for summary judgment is **GRANTED IN PART** and **DENIED IN PART**. (Doc. 132.) Specifically, summary judgment is **GRANTED** to Defendant as to Plaintiff's claims arising out of his time at SCI-Smithfield, SCI-Fayette, and SCI-Somerset; **GRANTED** barring Plaintiff from recovering compensatory damages

for mental and emotional injuries; and **GRANTED** precluding Plaintiff from recovering punitive damages. The motion for summary judgment is **DENIED** as to Plaintiff's claims arising out of his time at SCI-Huntingdon.

- 3) A separate order will issue to address the remaining deadlines in this case.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania